

Disaster Services Volunteer Leave Act

Draft Legislation from the American Red Cross

In response to an increasing number of disasters in the United States in recent years, and in response to their rising costs, several states have enacted legislation authorizing paid leave for state government employees who have received appropriate training and who volunteer for American Red Cross operations. Often, state employees possess skills that can be transferred to disaster operations, including shelter management, mass feeding, damage assessment and family services.

The American Red Cross based the 1992 draft act presented below on legislation enacted in **Ohio** (Section 124.132, Ohio Revised Code, 1983) and **Illinois** (HB 2349, 1991). However, other states with disaster leave legislation include **Connecticut** (P.A. 89-379, SHB 7368, 1989), **Kansas** (SB 96, 1993), **Nebraska** (LB 697, 1993), **North Carolina** (Ch. 13, HB 87, 1993), **Tennessee** (SB 1704, 1993) and **Texas** (SB 5, 1993).

The draft act allows state employees a maximum of 30 days paid leave during a 12-month period, without loss of seniority, vacation time, sick leave, or earned overtime accumulation and does not restrict the areas in which state workers may serve. Disaster leave limits imposed by existing state legislation include 30 days (Ohio), 20 days (Illinois, Kansas), 15 days (Nebraska, North Carolina, Tennessee), 14 days (Connecticut), and five days (Texas). Also, in Nebraska and North Carolina, leave is granted only for disasters within those respective states, while Kansas limits leave to service within the state or contiguous states. Texas legislation limits to 500 the pool of state employees certified as disaster volunteers.

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(Title, enacting clause, etc.)

1 Section 1. [*Short Title.*] This act may be cited as the Disaster Services
2 Volunteer Leave Act.

1 Section 2. [*Definitions.*] As used in this act:

2 (1) "Disaster" includes disasters designated at level III and above in
3 the American National Red Cross Regulations and Procedures.

4 (2) "State agency" includes all departments, offices, commissions,
5 boards, institutions and bodies politic and corporate of the State, includ-
6 ing the offices of the [clerk of the Supreme Court and clerks of the ap-
7 pellate courts], the several courts of the state and the legislature, its com-
8 mittees or commissions.

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9 Section 3. [*Establishment of Disaster Services Volunteer Leave.*]

10 (a) An employee of a state agency who is a certified disaster services
11 volunteer of the American Red Cross may be granted leave from his work
12 with pay for not to exceed [thirty (30)] work days in any [12-]month peri-
13 od to participate in specialized disaster relief services for the American
14 Red Cross, upon the request of the American Red Cross for the services
15 of that employee and upon the approval of that employee's agency, with-
16 out loss of seniority, pay, vacation time, sick time or earned overtime ac-
17 cumulation. The agency shall compensate an employee granted leave
18 under this section at his regular rate of pay for those regular work hours
19 during which the employee is absent from his work.

1 Section 4. [*Effective Date.*] [Insert effective date.]